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Adult Parole and Probation in California

By Marcus Nieto

*Prepared at the Request of
Senator Charles Poochigian*

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C A L I F O R N I A R E S E A R C H B U R E A U

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EXECUTIVE SUMMARY

The number of people under community criminal justice supervision in the United States continues to reach record highs. Nearly 4.7 million adult men and women were on probation or parole at the end of 2001, an increase of 113,791 from the previous year. In California, this included about 121,100 offenders on parole (released from state prison) and about 330,000 on probation (supervision at the county level for less serious crimes).¹ On average, California probation departments and state prisons release more than 160,000 probationers and 125,000 prisoners annually, once their terms have been served.

In some states, parole and probation are combined and are state-funded. In California, parole is a state function, while probation is operated and funded at the local level. As a practical matter, this means that funding for probation services is very uneven and has declined significantly over time. The result is that relatively few probationers are actively monitored. Due to state and federal grants targeting supervision of violent juveniles, even fewer adult probationers are now being actively supervised. Combining the two systems might provide a more rationale allocation of resources and result in more effective supervision activities.

Parole

After release from prison, most California offenders are subject to one to three years of parole supervision. Generally, they are released back to the county where they lived before entering prison. Many parolees are supervised while participating in drug or alcohol treatment programs, or attending reentry employment programs. Some parolees are supervised while receiving special aftercare services for health or mental health-related conditions.

Parole revocation rates in the state are high compared to the rest of the country. For example, from 1990 to 2000 the revocation rate (return to prison rate) for California parolees averaged 64 percent, compared to the national average rate of 40 percent. Why are the majority of parolees in California not succeeding while under supervision? Is it because of more stringent surveillance and supervision, or is it because of inadequate treatment and reentry services?

Given the human and financial costs of prison—and the collateral consequences for families, victims, and communities—funding effective prisoner reentry programs may be a good investment. Currently, California has the capacity to provide about 56,000 parolees with drug and mental health treatment, or employment, literacy and computer services each year. Approximately 121,000 offenders entered parole in 2001. Even though there are limited resources for parolees, there are a number of promising prison reentry programs in California: employment-training programs, drug and alcohol treatment and aftercare programs, computer education programs, “one stop” employment centers, and self-help and peer programs. Many of these programs are briefly described in this report. All are staffed by trained parole agents and contract personnel. State funding has expanded staffing at the existing network of Parole Outpatient Clinics,

resulting in the availability of more services and improved monitoring of about 7,200 severely mentally ill offenders. In partnership with the state Employment Development Department (EDD), CDC has stationed EDD job placement specialists in the majority of parole offices throughout the state. According to CDC Parole officials, over the last two years EDD program specialists have placed nearly 9,000 parolees in jobs.

California Department of Corrections (CDC) data indicates that the percentage of parolees committing new criminal acts drops 72 percent after successful completion of a substance abuse treatment program. In general, however, the state's prison and parole system has not yet joined the move to data-based program accountability that would enable administrators and policy makers to learn what works in reducing recidivism. CDC does not have data linking most parole program activities to recidivism rates. The Department could develop a baseline of information from which to analyze which parole program activities contribute to reduced recidivism rates. Keeping records about parolee program participation and long term results could help build a better results-driven system.

Local Probation

Offenders placed on probation by the courts usually serve from six months to a year before they are released from supervision. On average, California's probation revocation rate is about the same as the rest of the country (40 percent in the U.S., 41 percent in California).² Most county probation departments have some rehabilitation programs, but monitoring resources are very limited. Almost all minor offenders (misdemeanor and some felony offenders) on probation are "banked" and receive little or no effective supervision.

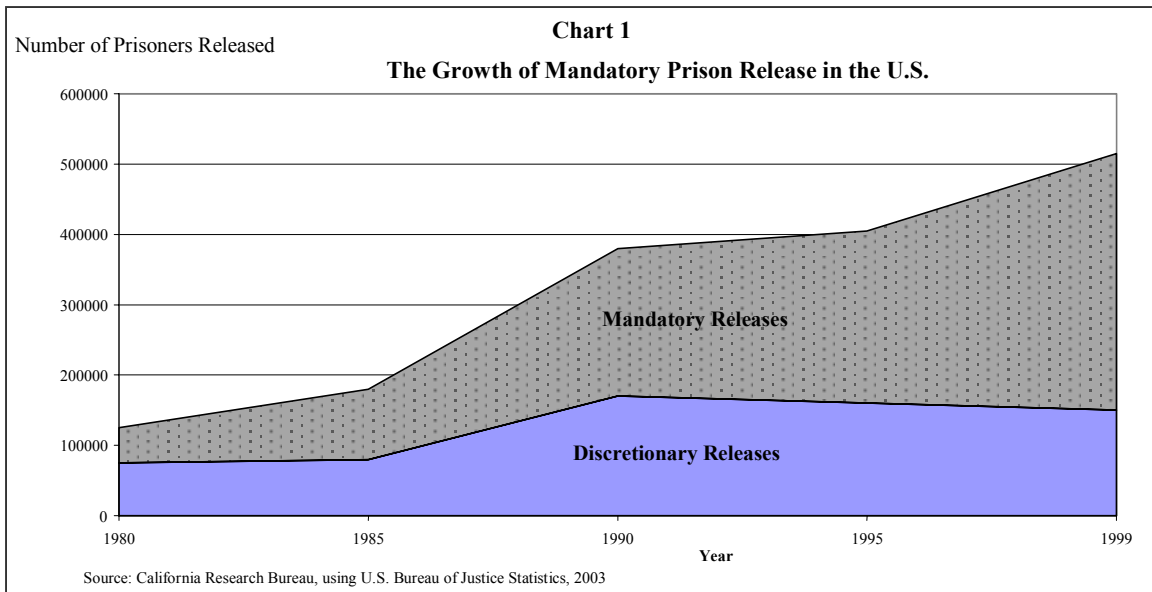
PAROLE

Definition

Parole is a period of conditional community supervision required of inmates following their release from prison. If a parolee violates the conditions of parole, he or she can be returned to prison to serve any of the remaining part of their sentence. At least 95 percent of all state prisoners will be released from prison at some point; nearly 80 percent will be released to parole supervision. California accounted for nearly 30 percent of all state parole discharges nationally during 1999 and 2001.

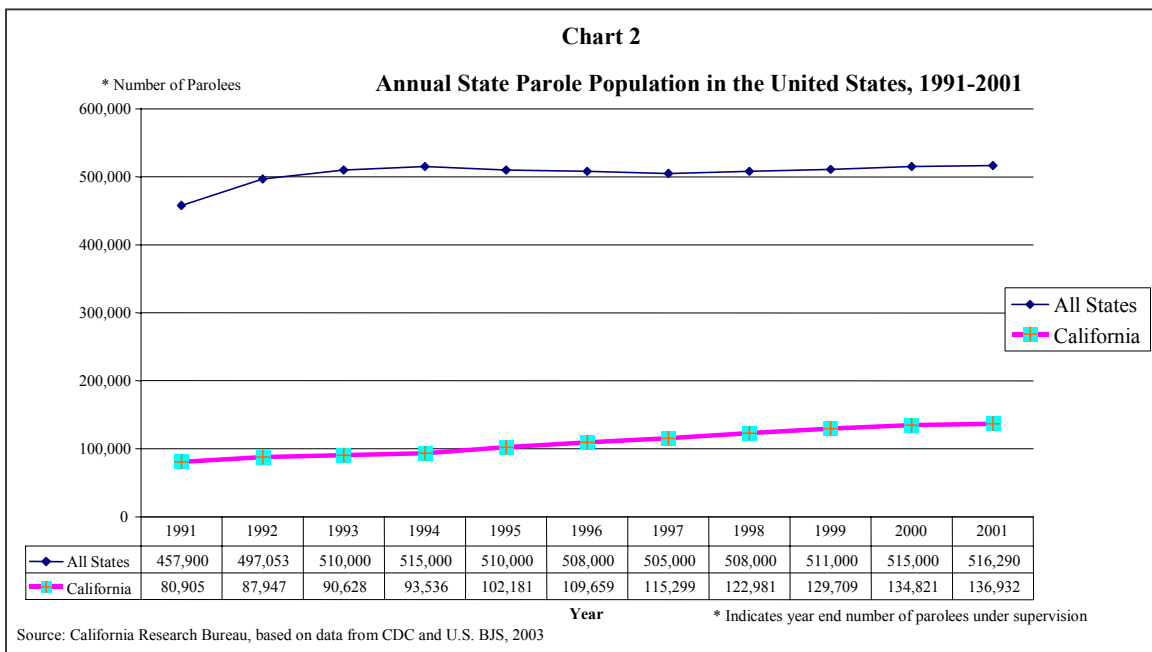
Mandatory parole release accounts for the majority of offenders released annually from prisons (see Chart 1). Mandatory parole release occurs in jurisdictions with a determinate sentencing statute, in which an inmate is *conditionally* released from prison after serving a specified portion of the original sentence, minus any good time earned. Nearly all states (45), including those with “three strikes and you’re out” provisions, have mandatory minimum sentencing laws for certain serious felony crimes. A few states instead employ sentencing enhancement approaches or sentencing commissions, giving judges more options at the time of sentencing. Use of firearms and other deadly weapons are the crimes that fall under mandatory minimum laws. In 1999, more than 99 percent of California's parole discharges received mandatory release parole. This means they have completed their minimum sentence and must be released.

Discretionary parole exists in the intermediate sentencing model, under which a parole board has authority to conditionally release prisoners based on statutory or administrative determination of eligibility. In almost all cases, discretionary parole applies to offenders sentenced to “life” with the possibility of parole. In a few states, including California, parole for sexually violent offenders and mentally disturbed offenders is also discretionary.³ The Board of Prison Terms has jurisdiction over these cases in California.



NATIONAL TRENDS IN PAROLE

At the end of 2001, 516,202 adults were under state parole supervision in the United States, including 137,932 adults in California (see Chart 2).¹



- The nation's state parole population grew by about 1,290 in 2001, or 1 percent over the previous year. There was an increase of 11.6 percent over the last decade.

¹ Parolees under supervision include absconders, out-of-state parolees, and federal parolees.

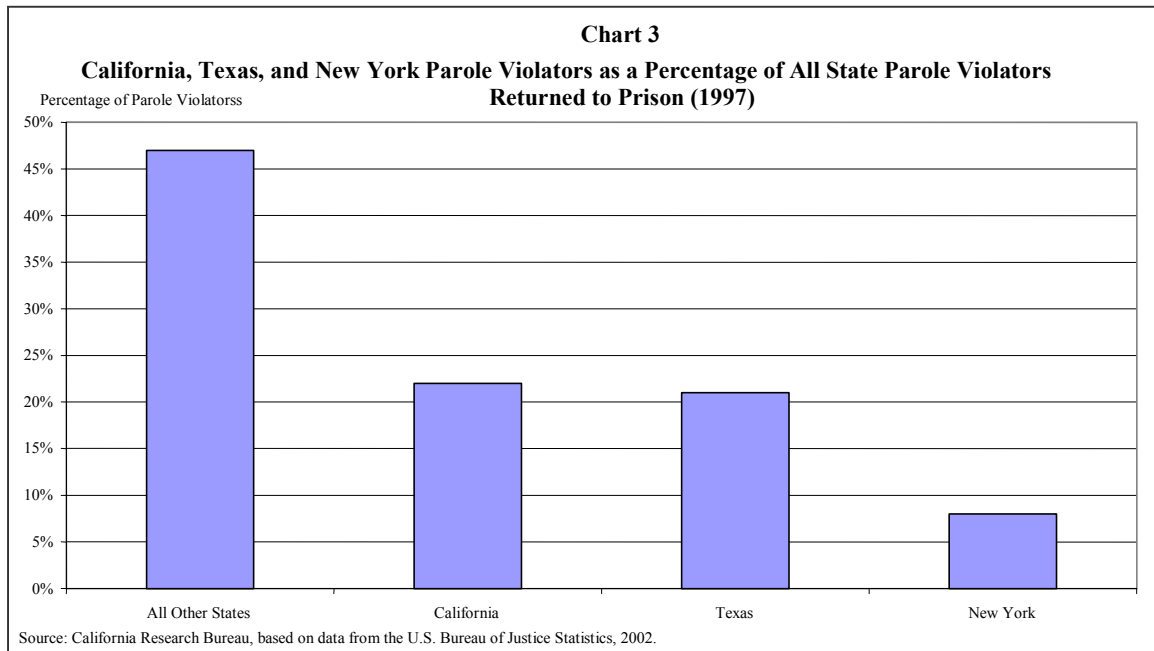
- Mandatory releases from prison as a result of a determinate sentencing statute resulted in 55 percent of the adults entering parole in 2001, up from 45 percent in 1995.
- Eleven states had double-digit increases in their parole populations in 2001 and two states had increases of 20 percent or more: Oklahoma (27 percent) and Idaho (20 percent).
- Seventeen states had a decrease in their parole population. In two states, the decrease was more than ten percent: West Virginia, 16 percent, and North Carolina, 12 percent.
- Four states (California, New York, Pennsylvania, and Texas) supervised over half of all state parolees from 1990 to 2000.

In all states, the number of parole violators returned to prison increased during the 1990s. In 1999, parole violations accounted for more than 50 percent of state prison admissions in four states: California (67 percent), Utah (55 percent), and Montana and Louisiana (53 percent). In five states, parole violators comprised ten percent or less of all prison admissions: Florida (seven percent), Alabama (nine percent), Indiana (ten percent), and Mississippi and West Virginia (ten percent).⁴

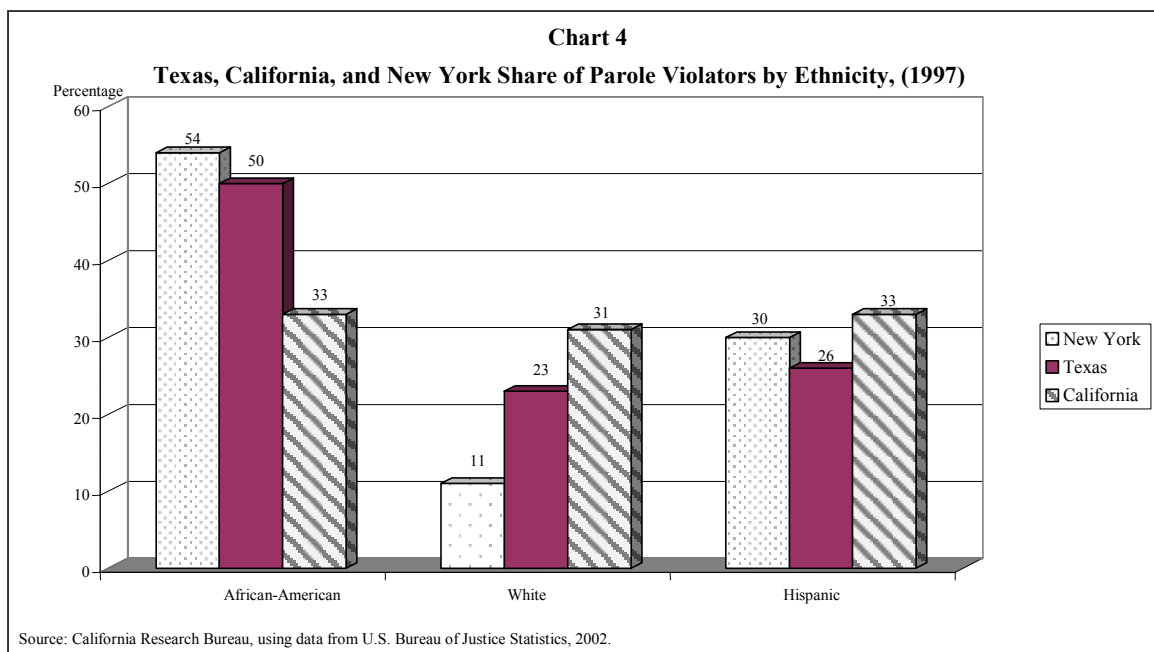
Some researchers contend that the variation among states is because some states return parolees to prison for technical violations and they are more likely to employ closer parole supervision. According to Joan Petersilia, a prominent California researcher, “If you supervise parolees more closely, and enforce their parole conditions more vigorously, without a system of graduated sanctions, you will send more people back to prison.”⁵ Under California law, when a parolee is returned to prison for a violation, the “clock stops” on the time owed for parole supervision.⁶

Among parole violators returned to prison in 1997, those held in California prisons were the least likely to have been arrested or convicted for a new offense. It is easier to return a parolee to prison for a technical violation than to go to trial for a new crime, especially for nonviolent crimes. Arresting officers have considerable discretion on how to deal with a minor infraction, and revoking parole is a straightforward response. California parolees are more likely than parolees in other states to have been returned for a drug violation (27 percent), compared to 11 percent of parole violators in New York and Texas.

The three largest state prison systems in the country (California, Texas, and New York) held over half of all state parole violators in their prisons in 1997. California prisons held 22 percent of all state parole violators, Texas, 21 percent, and New York, eight percent (see Chart 3).



Unlike Texas and New York, parolees in California are fairly evenly split among the main ethnic groups (this does not reflect their share of the population). (See Chart 4).



New York had the largest percentage of parole violators convicted for a violent offense (41 percent) in 2000, compared to 33 percent in Texas and 24 percent in California. However, parole violators in California had the longest criminal histories: more than 58 percent had been previously incarcerated at least three times, compared to 42 percent in

Texas and 35 percent in New York. Nationwide, 44 percent of parole violators reported three or more prior incarcerations.⁷

THE CALIFORNIA PAROLE SYSTEM

A parolee's first contact after release from prison is at a parole field office, which serves as the focal point of contact for re-integration into society. There are 182 parole offices and stations throughout the state.

For most offenders, parole is automatic once they complete their court-imposed sentence. The amount of time spent on parole depends on the crime and the parolee's behavior. Most parolees serve from one to three years on parole.

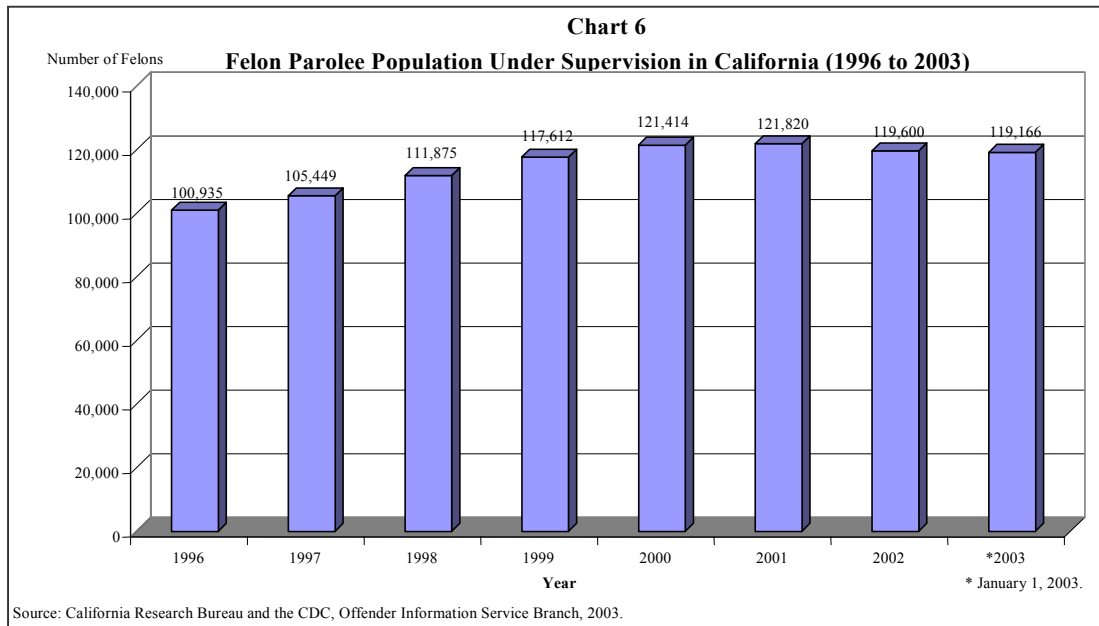
For those offenders who receive life sentences with the possibility of parole, the Board of Prison Terms (BPT), an independent agency, must approve their release. The Board also conducts parole revocation hearings for parole violators. If paroled, parolees spend three to five years on parole. At parole hearings, BPT commissioners review the facts of the case, interview the inmate, and evaluate the inmate's in-prison adjustment. In making the decision on whether to grant or deny parole, the commissioners rely heavily on California Department of Corrections records and recommendations. The Governor also has an important role in the decision-making process, since the BPT commissioners are selected by the Governor and by extension reflect the Administration's parole policies

The California state parole system is funded primarily from the state General Fund. As of January 1, 2003, the CDC Parole Division supervised 119,166 parolees with a budget of \$397.6 million (excluding funds for substance abuse treatment).

Relative to funding for prison institutions, state funding on parole and community services has increased only slightly in the last decade (see Chart 5 below).

In 2002, California parole offenders were primarily men (89 percent), with only 11 percent female. The major ethnic groups in the parole population were White (30.1 percent), African-American (26.3 percent), and Hispanic (38.9 percent). (See Appendix A for a 2001 breakdown by county of the number of parolees in California.)

According to the California Department of Corrections, several factors have caused the parole population to decline over the last several years. Fewer parole violators are being returned to prison by administrative actions of the Board of Prison Terms, and they are serving slightly less time in prison. Also, fewer parolees than anticipated are being returned to state prison by the courts.⁸



RELEASING PAROLEES INTO THE COMMUNITY

Before being paroled, an offender must agree in writing to abide by certain conditions. The basic parole conditions are:

- Obey all parole agent instructions
- Report immediately upon release, and later as instructed
- Follow all laws
- Do not carry any weapon

In addition to these basic requirements, many parolees have special conditions they must fulfill. For example, parolees with psychological and/or mental health problems are required to attend outpatient therapy in one of the four designated parole outpatient program regions, which are located in San Diego, Los Angeles, San Francisco, and Sacramento. Parolees who have abused drugs or alcohol must abstain and must test periodically to ensure compliance. Parolees who are violent or predatory may be directed by the Board of Prison Terms (BPT) to stay away from certain individuals or locations.

If a parolee fails to adhere to the conditions of parole, parole can be revoked and he or she can be sent back to prison. According CDC Parole officials, however, parole agents may send a parolee who has “tested dirty” for drugs, or was caught in possession of

drugs, to a residential treatment program rather than send him or her to the Board of Prison Terms for readmission to prison.

The California Department of Corrections, Parole and Community Services Division oversees parole services. These services are provided primarily by contract with public and privately operated community correction facilities, reentry centers, restitution centers, and substance abuse treatment centers. The California Department of Corrections has about 2,168 parole agents in the field (Parole Agent classification I-IV) throughout the state. According to the CDC, in 2003 it costs about \$2,300 per year to supervise a parolee, compared to \$28,500 per year to incarcerate a person in state prison.⁹

Before a parolee returns to the community, the parole agent evaluates both the potential risk to the community and the needs of the parolee. This initial assessment helps determine how often the parolee must meet with the parole agent and what type of programs or services are recommended.

Parolees fall into one of four major categories:

- *High control*-Has the potential for assaulting behavior and/or a serious record such as a “large scale” drug dealer, sex offender, or firearms violation; includes parolees with two or more violent or serious convictions.
- *High services*-Requires support to meet psychological, physical or employment needs; includes mentally ill parolees who require pre-release preparation, financial planning, and assistance with their treatment in the community.
- *Control/Services*-Medium risk; requires moderate amounts of control and services.
- *Minimum*-Low risk; has minimal support needs.

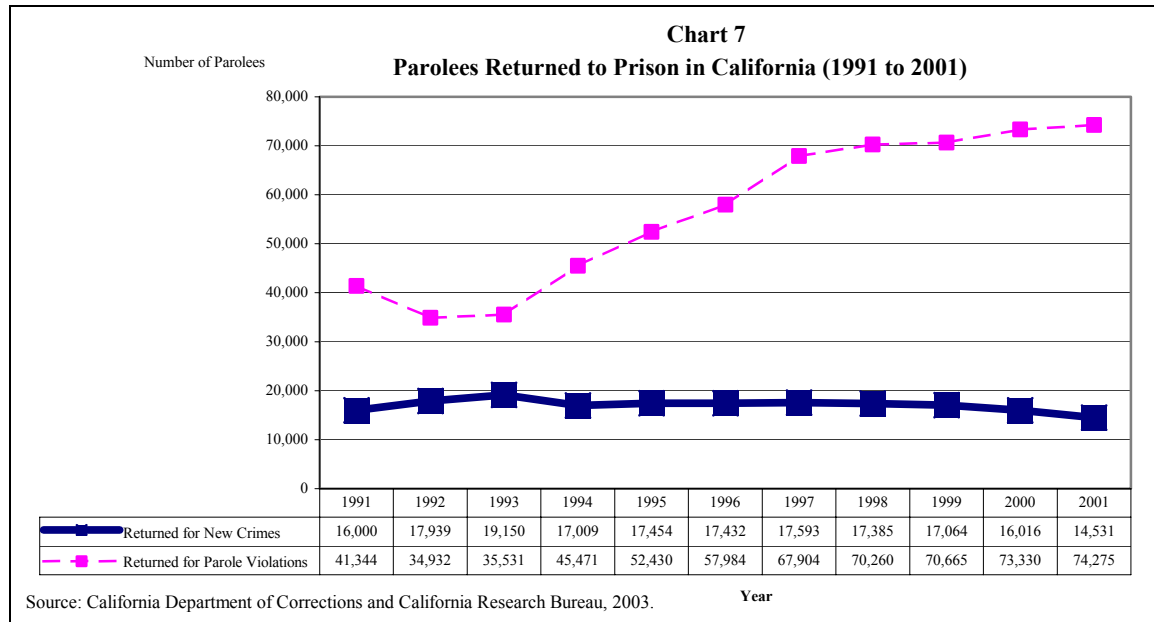
According to CDC parole officials, about one-fourth of all parolees are in the high service and high control risk categories. Almost all other parolees are in the medium risk control/services category. The minimum risk category is seldom used. The ratio of parolees to parole agent supervision is about 40 to 1 for the *high control* and *high service* categories, and about 80 to 1 for the *control service* category. According to parole officials, the ideal caseload for all cases is about 40 parolees per parole agent.¹⁰

Parole agents are required to regularly schedule office visits with parolees, to occasionally make unannounced home visits, and to make sure that the parolees are abiding by parole conditions. All parolees are subject to search for cause, without a warrant, by parole agents. Most parolees undergo routine drug testing. Whenever possible, parolees are referred to other service agencies such as public health and mental health clinics, residential treatment facilities, and or drug and alcohol abuse treatment programs.

RECIDIVISM RATES AMONG PAROLEES

Between 1991 and 2001, the number of parolees returned annually to California prisons

for committing new crimes or other offenses decreased from 16,000 to 14,351 (or 9.2 percent decrease). Within the same timeframe, however, the annual number of parolees returned to prison for violating the conditions of their parole increased from 41,333 to 74,275 (an increase of 44 percent, see Chart 7 below).

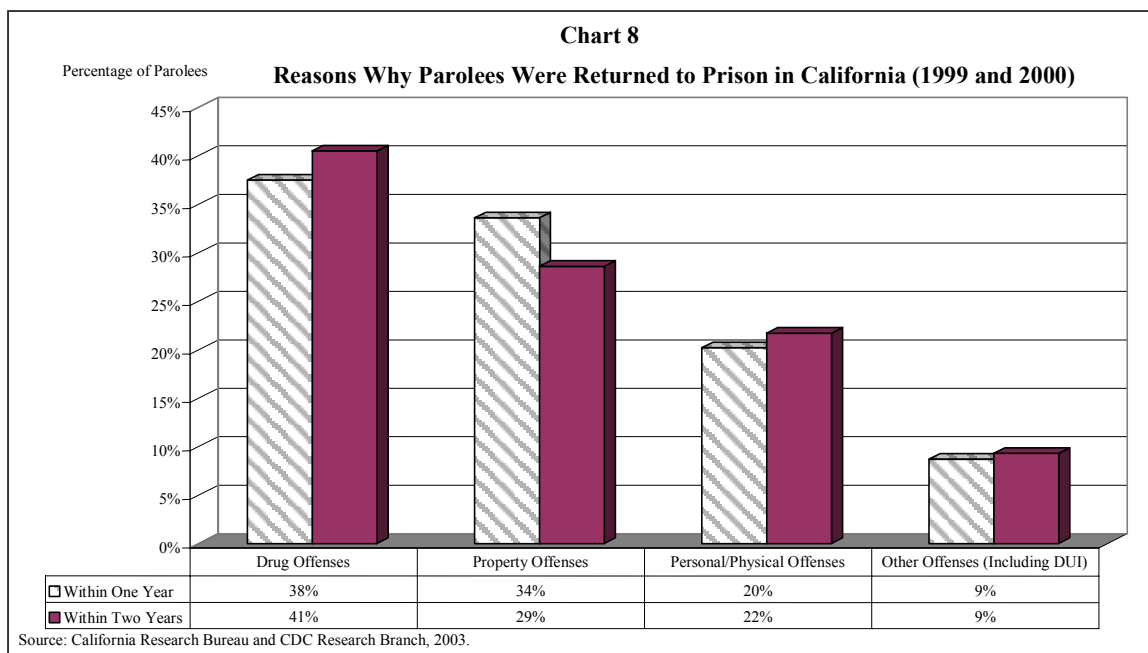


CDC recently published recidivism rate data for parolees who were tracked over a two-year period. Starting in 1999, 25,651 parolees (or 43 percent) who were released from prison for the first time were returned to prison within one year. Within a two-year period, 33,262 parolees (or 56 percent) were returned to prison, for a total of 59,322 parolees.

The top five counties of origin for parole violators are:

- Los Angeles, 30.6 percent
- San Diego, 6.9 percent
- San Bernardino, 6.5 percent
- Orange, 5.2 percent
- Riverside, 5.5 percent

The most common reasons why parole violators were returned to prison within two years of release were for drug-related offenses (41 percent), property offenses (29 percent), physical/personal offenses (22 percent) and other offenses (9 percent).



WHAT ARE THE CAUSES OF THE HIGH PAROLE FAILURE RATE IN CALIFORNIA?

Parolees must overcome significant barriers on their way to successfully completing parole. These barriers include:

- High unemployment rates of between 70-80 percent after imprisonment
- High substance abuse rates of up to 85 percent
- High illiteracy rates of about 50 percent

One-in-ten parolees is homeless immediately upon parole, and between 60 and 90 percent of parolees lack the “survival skills” needed to succeed on parole after leaving prison. These include the ability to control anger, conduct business (such as exchanging money or balancing a checkbook), find a job, and follow directions.

For at least a year after being paroled, an offender remains under the watchful eye of his or her parole agent. This “conditional release” provides an extra measure of control over the offender during his or her transition back into society. However, the extra scrutiny and lack of services to help the parolee resolve problems such as unemployment and substance abuse, can lead to parole failure and return to prison.

California Department of Corrections (CDC) research indicates that the percentage of parolees committing new criminal acts drops 72 percent after successful completion of a substance abuse treatment program.

THE PROCESS FOR DETERMINING WHERE PAROLEES ARE PLACED IN THE COMMUNITY

Most offenders are paroled to the county where the crime occurred (which may differ from their family's home). Parole staff can make an exception, however, if an alternate placement would better serve the public and the parolee. According to Department of Corrections parole officials, about five percent of parolees are given an alternative placement instead of to the county where the crime occurred. In all alternative placement cases, local law enforcement officials are given notice of this decision. According to parole officials, in many cases a parolee in a similar situation in the alternative region is exchanged, keeping workloads balanced. (This is called "import/export.")

Factors used to consider where a parolee may be alternatively placed include:

- The need to protect a person's life or safety, especially victims or witnesses
- A bona fide job offer or training program in another county
- The legal residence of the parolee is not where the crime was committed
- The existence of strong family ties or support system in another county
- The need for mental health treatment in the parolee's best interest.
- Strong local concern that would reduce the chance for parole success and safety

County and city criminal justice organizations have a very limited role in monitoring and supervising the activities of parolees. However, local service providers such as medical, mental health, and drug treatment professionals may have direct relationships with parolees through contracts with the California Department of Correction, Parole and Community Services Division or the California Department of Drug and Alcohol programs. These programs are described in Table 1.

Table 1 Prison and Parole Reentry Programs and Treatment Programs FY 2001-2002		
Program Type	In-Prison (Beds/Treatment Slots)	Parole (Beds/Slots)
Substance Abuse Treatment	7,000 Slots	
Correctional Reentry Centers (Transitional Release)	1,100 Slots	
Restitution Center		110 Slots
Community Correction Facilities	2,000 Slots	
Residential Multi-Service Centers		228 Beds
Computer Literacy Learning Centers		5,355 Slots
Job Plus Program		3,090 Slots
Offender Employment Continuum		1,650 Slots
Parolee Employment Program		6,000 Slots (Approximately)
Female Offender Treatment Program		399 Slots
Prisoner Mother Program	46 Slots	
Proposition 36		7,000 Slots (Approximately)
Substance Abuse Service Coordinating Agency		8,547 Slots

Program Type	In-Prison (Beds/Treatment Slots)	Parole (Beds/Slots)
Substance Abuse Treatment and Recover (STAR)		7,950 Slots
Parolee Services Network		6,092 Slots
Mentally Ill Offender Clinics		7,200 Slots
Transitional Case Management Program for Mentally Ill		1,500 Slots
Transitional Health Case Management Program (AID/HIV)		1,100 Slots
Totals	10,146 Slots/Beds	56,221 Slots/Beds

Source: California Research Bureau, using Department of Corrections data, 2003

TRANSITIONAL WORK RELEASE AND REINTEGRATION PROGRAMS

Community Correctional Reentry Centers

Community correctional reentry centers are transitional facilities for early release parolees and inmates selected by CDC for work furlough. Inmates transferred to a community correctional reentry facility must meet all of the following conditions:

- The inmate applies for a transfer to a community correctional reentry facility
- The inmate is not currently serving a sentence for conviction of any violent offense described in subdivision (c) of *Penal Code Section 667.5*
- The inmate has less than 120 days left to serve in a correctional facility
- The inmate has not been convicted previously of an escape
- The Department determines that the inmate would benefit from the transfer

In a work furlough program, inmates are expected to find work or training, to reestablish family ties, and to plan for their release. The community facility is locked at all times, but inmates are granted leaves for work or planned appointments. Inmates who cause problems are returned to prison.

Contractors usually handle the day-to-day operations of community reentry facilities. Many facilities are located in or near major metropolitan areas, with access to jobs, services, and families. They offer a viable alternative to prison. Currently there are 32 reentry facilities in California serving as many as 1,100 early release prison and work furlough parolees.

The California Department of Corrections, Parole Division, is also piloting pre-release work furlough education program at reentry facilities in Oakland, Sacramento, Los Angeles, and Orange County. The unique curriculum includes on substance abuse education, self-esteem development, parenting skills, employment competencies, public speaking, and enhanced living skills (the ability to function independently on a daily basis).

Restitution Centers

In 2002, the CDC operated two community restitution centers, both located in Los Angeles (*Penal Code 6233*). Today, there is only one center with about 110 beds. The purpose is to provide a means for inmates to pay financial restitution to their victims, as ordered by the sentencing court or as agreed upon by the defendant and his or her victims.

Restitution fines are paid to the California State Board of Control, Victim Restitution Fund, to reimburse eligible victims of violent crime for loss wages and other related expenses. Fines usually range from \$200 to \$10,000. An additional fine of the same amount may be imposed on a parolee who violates the terms of parole. Participating non-violent, low-risk offenders are not allowed to leave a restitution center except to go to work, or if specifically authorized. They must return to the restitution center immediately after work or when required to do so by the person in charge of the restitution center.

Inmates in restitution centers are supervised by contracting employees of private nonprofit and profit corporations, and by peace officer personnel of the Department of Corrections on a 24-hour basis. As a condition of any contract awarded by the State to a vendor for restitution center operations, a peace officer from the Department of Corrections must be assigned to provide daily oversight and guidance in custody and security activities. After deducting work expenses, a prisoner's paycheck is divided equally among the victim, the Department, and the inmate.

Community Corrections Facilities

Community Corrections Facilities offer programs for inmates who were recently returned to prison for violating parole to help them prepare for successful re-integration into society. These facilities are run by cities, counties, and private profit or nonprofit organizations under contract with the Department of Corrections. There are approximately 2,000 community corrections facility beds throughout the state.

The programs are for inmates who wish to participate (inmates cannot be forced to participate in prison programs). They include counseling for drug and alcohol abuse, developing employment skills, sensitivity to victims, family responsibility, and literacy training. Most programs also include post-release counseling in order to ensure a greater opportunity for success. Eligible inmates may be granted furloughs to community correctional facilities for the purposes of employment, education, vocational training, or to arrange suitable employment and residence.

Residential Multi-Service Centers

Approximately ten percent of the parolee population becomes homeless after leaving prison. They generally reside in parks, alleyways, and vacant buildings, are unemployable or under-employed, suffer from a variety of illnesses and drug and alcohol addiction, and are illiterate. This population is often rejected by local service agencies

because they do not follow through with appointments. As a result, they are likely to commit new criminal acts or technical violations of parole.

Rather than return the homeless parolee to custody, parole agents now have the option of sending them to residential multi-service centers where they can receive shelter and substance abuse and alcohol abuse treatment in a therapeutic environment. They may also develop “self” skills such as improved communication and life planning and receive job counseling while they recover. Parolees who volunteer can stay up to one year if they meet these requirements:

- Willingness to participate
- No history of arson, sex offenses, or violence
- Not receiving social security income
- Not in need of medical detoxification
- Physically and mentally capable

There are currently six residential multi-service center locations in the state with a total of 228 beds. Program funding in FY 2002/2003 is \$6.2 million.

EDUCATION AND EMPLOYMENT PROGRAMS

The post-release employment experience of a parolee is frequently an important determinant of whether the individual will successfully complete parole. Research demonstrates a positive relationship between labor market conditions and crime rates, and evaluations of parolee employment programs show significant associations between program participation, employment, and reduced recidivism.¹¹

Over the last decade, the CDC has attempted to address the employment needs of inmates as they leave prison through a variety of specially designed programs and partnerships.

- In partnership with the state Employment Development Department, CDC has stationed EDD job placement specialists in the majority of parole offices throughout the state. According to CDC Parole officials, over the last two years EDD program specialists have placed nearly 9,000 parolees in jobs.
- The CDC Parole and Community Service Division operates nine computer-learning labs in parole offices throughout the state. Each lab can help 160 parolees per year to raise their reading by two grade levels after 100 hours of training.
- The CDC has comprehensive pre-release education programs located in work furlough centers in Oakland, Sacramento, Los Angeles and Orange County. The curriculum focuses on substance abuse education, self-esteem development, parenting skills, employment competencies, public speaking and other life skills. These and other parole-related service and learning programs are discussed in more detail below.

Computerized Literacy Learning Centers

Recent studies conducted by the CDC directly link success on parole to a parolee's educational level. There is a correlation between "functional literacy" and employment. Functional literacy is the ability to follow written directions and to apply basic reading and writing skills. Employers require basic literacy skills that many parolees do not have. More than half of parolees read below the sixth grade level, and about 70 percent are unemployed upon release. Lack of literacy and employability skills are primary barriers to parole success. Put another way, without the skills required for gainful employment, parolees are at a high risk of returning to prison.

In 1992, the CDC entered into agreements with the Contra Costa County Office of Education and the Hacienda La Puente Unified School District to implement INVEST, a computer-assisted instructional program. The program is based on the premise that adult learning does not follow a path typical of most K-12 learners, but rather that adult learners have specific skill deficiencies requiring remediation. Adult learners must be provided with lessons and activities that have relevance and application to real life. Using computers increases an adult learner's success and sense of accomplishment, and provides a basic valuable skill in a labor market that increasingly relies on technology.

An evaluation of the program after two years of operation found that participating parolees increased reading and math skills by an average of two grade levels. Since its inception, of the almost 7,000 participants who have been in the program, 55 percent had fewer than 12 years of schooling and their average age was 32. Students with the least schooling made the largest gains, averaging 2.7 grade levels. Unfortunately, CDC officials do not have data that links these parolees to jobs, nor data on whether they returned to prison before the expiration of their parole.

According to CDC parole officials, there are now 19 INVEST computer learning center programs located throughout the state, each with 84 computer worksites. In FY 2001-02, the program served 5,355 parolees and was funded at \$3.1 million.

Jobs Plus Program

Jobs Plus is a joint CDC Parole Division and California State University Sacramento Foundation program designed to help selected parolees. Parolee candidates for the program must be in good standing, be approved by their parole agent, and reside in one of the following service delivery counties: Kern, Orange, San Francisco, Los Angeles, San Diego, San Joaquin, Riverside, or Santa Clara. Eleven contract service providers assist parolees to learn job search and basic work survival skills. Once enrolled in Jobs Plus, a parolee is linked to a possible job and provided support services such as substance abuse assistance, housing, transportation, and job-related clothing and tools.

According to CDC parole officials, Jobs Plus successfully assisted 3,090 parolees in FY 2001-02 in obtaining full time employment. CDC has no data on the recidivism rate of these parolees.

Offender Employment Continuum Program

The Offender Employment Continuum Program was started in 1999 as a joint venture between the CDC Institutions and Parole Divisions to provide transitional assistance to inmates scheduled to parole in Alameda, Fresno, Los Angeles, Sacramento, and San Diego counties. Eligible inmates are able to participate in the program at one of five selected prisons prior to leaving their institutions (Avenal State Prison, California Rehabilitation Center, Folsom State Prison, R. J. Donovan Correctional Facility, and San Quentin State Prison).

Inmates go through a 40-hour pre-employment workshop that matches them with a vocation that fits their interests and skill levels. Once an inmate is released on parole, he or she is provided with a referral to educational programs, vocational training, or prospective employers. If the inmate is not contacted before paroling, he or she may be referred to a local contactor by his or her parole agent at any time.

According to parole officials, in FY 2001-02, the program provided services to 1,650 inmates ready for parole. Since the program began in 1999, 5,000 parolees have successfully completed the program. CDC has no data on the recidivism rate of these parolees.

Parolee Employment Program

The Parole Employment Program is a joint venture between the CDC Parole Division and the Employment Development Department (EDD) that began in 1991 to provide employment services to parolees. Currently EDD employment counselors are stationed at 50 of the 83 parole offices throughout the state.

The process begins when a parole agent issues a referral form showing that a parolee is in good standing to an EDD job specialist, who conducts an intake interview with the parolee to assess job skills. Over the course of several days, the parolee attends a series of employment workshops including resume preparation, job interview skills, personal grooming, and job search techniques. Once a parolee completes this preparation, he or she is referred to existing employment opportunities through the EDD automated job search system. Employers on the EDD lists receive up to \$8,500 in state tax credits, and are bonded (insured against misbehavior) at no cost for up to \$2,500 as an incentive to participate. According to CDC parole officials, between 5,000 and 7,000 parolees are employed annually through this program.

LOCAL PAROLE REENTRY PROGRAMS

Police and Corrections Together

Recently the CDC Parole Division initiated a low-cost multi-service approach to helping new parolees return to their communities. This new parolee orientation program, initially

offered in the cities of Oakland and Sacramento, has expanded to other locations as well. Police and Corrections Together (PACT) is designed to make parolees feel welcomed back to their communities by bringing together a host of community resources and law enforcement personnel to greet them after their release, a kind of “one-stop” shop orientation for parolees.

In Sacramento, a two-hour orientation is held at a neighborhood community work and skills training center. Parolees are greeted by their assigned parole agent as they enter the facility, and are lectured by a senior parole agent who discusses what is expected of them, followed by a keynote motivational speaker (an ex-offender) who tries to inspire them to succeed. Afterwards, parolees are asked to meet individually with volunteer resource personnel to learn how to access social and homeless services, health and mental health treatment, employment opportunities, and drug or alcohol abuse treatment. Each parolee receives a bag of food and “goodies,” and then meets with a community-oriented police officer from their neighborhood to discuss what is expected and who to contact when they need help. The orientation is held once a week and is usually attended by 100 parolees. All community resource personnel and the site locations participate through Memoranda of Understanding (MOU) with CDC.

Going Home—Los Angeles Program

The CDC Parole and Community Services Division was awarded a \$2 million federal grant in FY 2002 to implement a reentry program for parolees. The program’s goals are to offer reentry services for state parolees in the Los Angeles parole region, and to improve coordination of services between local nonprofit service providers and governmental agencies. The target parolee population is composed of male felons ages 18–35 who are at high risk of re-offending (mostly mentally ill and sex offenders).

The participant enrollment process is being piloted at the Substance Abuse Treatment Facility and State Prison at Corcoran for eligible offenders who are within 90 days of their parole release date. The program began in the summer of 2002 and will serve a minimum of 200 parolees over three years.

Project Choice

The City of Oakland was awarded a \$1 million three year federal grant in FY 2002 to build on an existing CDC parole program which provides intensive post-release services and supervision to young Oakland parolees. *Project Choice* offers an array of services including employment training, adult education, mental health and substance abuse treatment, as well as intensive supervision. The program targets 120 high-risk male offenders ages 14–29 from the California Department of Corrections and California Youth Authority facilities nearest Oakland (San Quentin State Prison, two CDC community reentry centers in Oakland, and the Northern California Youth Correctional Center in Stockton). Inmates are referred to the program 6–12 months prior to parole. No data is available about success of this program.

PROGRAMS FOR FEMALE INMATES

Prisoner Mother Program (In Custody)

The Community Prisoner Mother/Infant Program is a custody program for selected female inmates with young children that allows them to live together in small community-based facilities until their sentence is complete or a parole date is granted. Inmates are screened carefully before being admitted to the program. They must have no history of violence or escape and must be deemed fit parents, with no record of child abuse. In addition, the mother must have no more than six years to serve (including good time or work credits), and must have been the primary caretaker of her children before incarceration. Children of inmates in the program must be under six years old. Pregnant mothers also can enroll in the program. While waiting for the birth of their children, they participate in childbirth education and parenting classes.

By reuniting mothers with their children, the program helps to alleviate the harm caused to children by separation from their mothers. During their stay (up to six years), the inmates may participate in parenting classes, vocational and educational training, drug and alcohol abuse counseling, and work experience. Classes are designed to help the women from returning to their old habits, make them aware of the dangers of drug addiction, and show them how drugs impair their lives and the lives of those around them, especially their children.

Facilities are operated by private agencies under contract with the state. Due to local permitting processes and opposition, it has been difficult for CDC to open more than two facilities (Oakland and Pomona). Currently there are about 46 beds for women inmates serving their sentences in the program with their children. Anecdotal information also suggests that it is difficult for eligible female offenders to get information about the program. Some current inmates mothers found out about the Mother/Infant Program through their public defender.¹²

Female Offender Treatment and Employment Program

This pilot transitional therapeutic-based drug treatment program is for female parolees who have successfully completed an in-prison therapeutic drug treatment program. Three private contractors operate the aftercare program (Phoenix House, Hope House, and Mental Health Systems). They offer female parolees a six-month program of drug treatment and counseling, life skills development, job skills training, anger management, vocational training, residential care, and employment opportunities. The contractors serve as case managers to coordinate all program and social services for the parolees, and work closely with parole agents to ensure continuity and progress through the program.

The transitional component is lengthy and can last from six to fifteen months. The incentive for a parolee to stay in the program is the opportunity to reunify with family on weekend visits, and in some cases, to live with her child on-site. According to CDC officials, by the time a parolee leaves the program, she is already working or is job-ready.

This new, relatively small program began in 2000. Currently there are fifteen program locations statewide with 399 beds. CDC has no data on the recidivism rate of these parolees.

SUBSTANCE ABUSE TREATMENT

Proposition 36 Treatment

Substance abuse is an important factor that contributes to parole failure. Eighty-five percent of all parolees have a history of chronic drug use, and frequently this leads to relapse and parole revocation. According to CDC research, the percentage of parolees committing new criminal acts drops 72 percent after successful completion of substance abuse treatment. Proposition 36, enacted by California voters in 2000 (*The Substance Abuse and Crime Prevention Act of 2000*), changed state law so that certain adult parolees who use or possess illegal drugs may receive drug treatment and supervision in the community, rather than being sent back to state prison.

Fewer CDC parolees are receiving Proposition 36 drug treatment services than was anticipated in 2000. Initial CDC estimates of perhaps 13,500 eligible parolees have proven too high.¹³ According to CDC and State Senate Proposition 36 Task Force officials, in FY 2002 approximately 7,000 parolees received Proposition 36 treatment. The lower number was due in part to funding constraints and eligibility requirements.¹⁴

To receive Proposition 36 program treatment services, a parolee who violates a drug-related condition of his or her parole for the first or second time, or is arrested for a nonviolent drug possession, can be placed by the Board of Prison Terms (BPT) in a drug treatment program as a condition of parole (*Penal Code Section 3061.1*). According to CDC parole officials, the referral process involving the BPT has been cumbersome, leading to a growing “logjam” of parolees awaiting decision.

As a result of recent changes, the CDC Parole and Community Services Division now has jurisdiction over the recommended disposition of all eligible parole violations for Proposition 36 eligible parolees. The Division can make direct referrals to local county Proposition 36 assessment centers. The Board of Prison Terms is notified of the direct referral and is responsible for affirming/denying/modifying the parolees’ placement. The revised process restores the parole agent’s authority to deal with parole violations that are not mandatory reportable violations to the Board of Prison Terms. The referral to Proposition 36 treatment is discretionary, and the parole agent can choose to use other CDC-funded community treatment programs rather than Proposition 36 funded programs in a given case. Under these revised procedures, the parole agent has discretion over whether or not to submit qualified cases for Proposition 36 treatment and to seek concurrence from the Board of Prison Terms. The Board of Prison Terms remains the only authority that can render the finding that an eligible parolee is excluded from Proposition 36 consideration.

Other Substance Abuse Treatment and Parole Supervision Programs

Inmates who complete a prison-based drug treatment program are eligible to receive aftercare services. There are twenty-nine prison drug treatment programs for male inmates and four for female inmates. All programs use the Therapeutic Community (TC) model. Therapeutic drug treatment programs are offered nationwide, and are heavily used in the criminal justice system. CDC programs stress community and peer group participation in the treatment process. TC offenders are usually housed together and segregated from the mainline prison population for up to 20 hours per week so that staff can reinforce positive behavior, help them to develop better social skills, and assist them in coping with the rigors of day-to-day living.¹¹ However, most TC program inmates remain integrated with the general prison population in all other prisons for non-treatment-related activities.

CDC's Office of Substance Abuse Programs (OSAP) administers both prison and parole drug treatment and recovery programs. Eligible inmates must complete the in-prison treatment program before continuing as a parolee in one of several aftercare drug treatment programs. The CDC currently has about 7,000 drug treatment slots in state prisons for inmates, and about 2,000 slots in community-based correctional facilities for inmates who are returned to prison for parole violations.

OSAP funds four Parolee Service Networks that provide community treatment and recovery services to parolees in eighteen counties. In FY 2001-02, over 6,000 parolees were served through this network. In addition, OSAP funds four regional agencies (Substance Abuse Service Coordinating Agency) that subcontract with separate networks of service providers throughout the state to treat parolees who come out of in-prison treatment programs (see below). In addition, the Board of Prison Terms can refer eligible parole violators to either Proposition 36 treatment programs or OSAP-funded (SASCA) providers instead of returning them to prison.

Substance Abuse Services Coordinating Agency Programs

Each of the four CDC parole regions has a Substance Abuse Services Coordinating Agency (SASCA) that serves as an intermediary contractor to the local drug treatment provider community. The CDC Office of Substance Abuse Programs funds the SASCA's that in turn subcontract with local service providers. The four Substance Abuse Coordinating Agencies in the state are as follows:

- Region I (northern and central valley counties) WestCare-California, Inc
- Region II (northern and central coastal counties) Walden House
- Region III (Los Angeles) Walden House
- Region IV (south state counties) Mental Health Services

¹¹ Two Therapeutic Community programs located at the Substance Abuse Treatment Facility in Corcoran exist within completely separate prisons that are devoted to substance abuse treatment.

SASCA case managers, therapeutic community program counselors and parole agents work together with the inmate 90 days prior to a parole date to determine the type of services he or she will need. The most common services are residential and/or outpatient. After release from prison, SASCA case managers serve as intermediaries between the parole agent and the subcontractor service provider while the parolee is in treatment. A successful treatment program can last from 90 to 180 days, depending on the parolee's needs, such as whether he or she had a relapse during the term. Parolees cannot be forced into drug treatment or drug counseling programs.

In FY 2001-02, 8,547 parolees (including 948 females) received SASCA-sponsored treatment. The CDC is unable to provide an accurate account of the number of parolees that successfully completed the programs because it manually collects this data from the various contracting treatment providers.

Parolees who are eligible for Proposition 36 placement, and have Proposition 36 eligible parole violations, may now be referred, with the Treatment Supervisor's approval, directly to local county Proposition 36 assessment centers or to CDC's SASCA-funded programs. The parole agent is to ensure that a parolee receives a copy of his or her CDC activity report, and is instructed to appear at the appropriate assessment center for Proposition 36 consideration. The parole agent is not required to provide transportation to the assessment center, but is responsible for ensuring that instructions are followed and community supervision is continued.

SASCA is a dedicated fund for parolees who continue drug treatment after leaving prison. However, for certain parolees who relapse while on parole, there is some eligibility overlap under Proposition 36, so that Proposition 36 funds can also be used to pay for drug treatment service. By using Proposition 36 funds for parolees who have repeatedly failed drug treatment, CDC can save SASCA treatment funds/slots for other parolees. However, this is an important issue for counties, because there may not be sufficient Proposition 36 treatment slots to serve both the large parole population and the local county-eligible population. A recent California State Supreme Court decision may have help to clarify this issue. In *Varnell vs The People et al (on Habeas Corpus)*, the court ruled that a drug-convicted felon with a prior serious felony conviction was ineligible to receive Proposition 36 treatment from the county (S104614).

Substance Abuse Treatment Recovery

The CDC has developed the Substance Abuse Treatment and Recovery (STAR) program to reduce parole revocation. STAR is a 30-day entry/open exit program (a parolee can volunteer to participate and leave at anytime) that emphasizes participation in substance abuse recovery activities in a classroom setting. Parolees remain in close contact with their parole agent as well as with treatment counselors. Due to the chronic nature of substance abuse, the STAR program is interventional, and incorporates the concept that recovery is a process, not an event.

The nationally recognized Contra Costa County Office of Education DEUCE curriculum (Deciding, Educating, Understanding, Counseling, and Evaluation) is at the core of the STAR educational intervention program, and has proven effective with offender populations.¹⁵ The program's primary goal is to motivate substance abusers to participate in post-release recovery activities. The curriculum addresses denial, and stimulates individual growth through active participation. Instruction helps parolees to develop a new understanding of their problems related to substance abuse, and motivates them to make necessary life-style changes. This educational path is designed to help parolees to understand the thoughts, feelings and the events that can trigger a relapse, and to develop insights into core issues involved in changing values and behaviors.

Independent study is stressed during the program. In the first phase, the participant develops a community transition plan, focusing on community resources and release planning. Once this phase is complete, the parolee moves into independent study, focusing on anger/violence, parenting, emotions, and behavior. The program has components such as "Process of Addiction and Recovery," "12 Step," and "Employability and Communication."

Approximately 7,950 parolees participated in the STAR substance-abuse treatment and recovery program at 28 parole unit offices throughout the state in FY 2001-02, at a cost of \$3.1 million. The STAR Program is also offered at work furlough sites in Hollywood, Van Nuys, Oakland and Sacramento.

Parole Service Network

The Parole Service Network is a CDC-funded and county-administered substance abuse treatment program for parolees. The goal is to place inmates in drug or alcohol treatment recovery upon release from prison, or to place parolees through referrals by parole agents. The California Department of Alcohol and Drug Programs and the CDC jointly administer the program through an Interagency Agreement. Funds are allocated to seventeen participating counties in most regions of the state. These participating counties in turn subcontract with local provider networks.

During FY 2001-02, the Parole Service Network provided services to 6,092 parolees at a cost of \$11.2 million. CDC has no data on the recidivism rate of these parolees.

Transitional Health Care Program

This highly structured parole program is for inmates leaving prison with HIV/AIDS. Officials identify HIV/AIDS inmates 90 days prior to their parole date, and discuss with them options for individual service plans that link to service providers in the community. Case managers in the community help the parolees with alcohol and drug counseling, medical and dental care, housing, SSI benefits applications, mental health services, peer support groups, HIV/AIDS/TB education, and employment opportunities. Program managers also work with parole agents to provide the HIV/AIDS parolee with food

vouchers, transportation, and emergency housing (in the absence of family support) for the first 60-90 days after release from prison to parole.

Eight private nonprofit and county service providers throughout the state serve a transitional parole population of 1,100 annually. Recidivism data on parolees in this program is not available.

Programs for Mentally Ill Parolees

Mentally ill offenders who are paroled from CDC are provided access to treatment services through the Parole Outpatient Clinic network. The program goal is to continue treatment for mentally ill parolees after they leave prison. Planning efforts begin before a mentally ill offender is released from prison. One important component includes the submitting an application on behalf of a parolee for federal benefits programs (SSI), to help financially support the parolee in the community.

The Transitional Case Management Program provides services for about 1,500 severely mentally ill offenders annually. While in prison, these offenders were in a segregated housing unit within CDC's Enhanced Outpatient Program because they did not adjust well to prison life, and required substantial psychiatric care. The program follows an approach similar to one which has successfully helped inmates who have AIDS or are HIV-positive to transition back into the community. Parolees receive assistance for up to 90 days from a team that includes a psychologist, a psychiatric social worker, a benefits counselor, and a support person (to assist with benefits application paperwork). Specially trained parole agents supervise this group of mentally ill parolees, with caseloads as low as 40 to one. This means the agents have more frequent contact with the parolees, and more time to assist them with intensive pre-release planning and post-release services.

State funding also has expanded staffing at a network of Parole Outpatient Clinics that provide improved services to about 7,200 severely mentally ill offenders annually. The clinics target offenders whose mental health problems were stabilized while in prison, but who continue to need treatment services and support upon their release to the community. Clinician staffing is at caseload levels of 100 parolees to one clinician (previous ratios were as high as 160 to one). Treatment continues during the entire period of parole.

Services for Inmates and Parolees with Developmental Disabilities

CDC and the Board of Prison Terms (BPT) have recently developed a remedial plan to provide specialized parole services for developmentally disabled offenders, as required by the *Armstrong v. Davis* lawsuit settlement. Under the terms of the settlement, the CDC and BPT must provide reasonable accommodations to inmates/parolees with disabilities at all parole and prison hearings to ensure they are fully aware of the proceedings and the conditions of their parole.

Under the new plan, CDC staff will identify inmates/parolees with developmental disabilities who require or request reasonable accommodation. The Department will

review all documents in the inmate's C-file that could identify a disability or the need for reasonable accommodation, and will interview inmate/parolee. CDC already screens and evaluates all new inmates and parolees with revoked parole for developmental disabilities. Currently, inmates who are identified as developmentally disabled are placed in one of ten state prisons (based on their classification level) where there is access to physical therapists and pertinent instructors.

The Department is obligated to ensure that all inmates who are about to be released on parole, and who request or require reasonable accommodations for their disability, understand the conditions of their parole. The CDC will evaluate its remedial plan in one year to determine whether there are adequate staff resources to provide the legally required services.

In addition, the Board of Prison Term officials will receive training in the general requirements of Title II of the Americans with Disabilities Act, including disability awareness. Board staff must employ appropriate methods for determining whether a prisoner with a disability understands written and verbal communications. The Board of Prison Terms is to make reasonable accommodations for parolees at the time of their revocation hearing should they require hearing, vision, or learning devices, and other auxiliary aids and services for effective communication. These include, but are not limited to, sign language interpreters, listening assistance devices, readers, and individuals trained to assist persons with disabilities.

PROBATION

PROBATION SYSTEMS IN THE UNITED STATES AND CALIFORNIA

Probation in the United States is administered by hundreds of independent agencies operating under different state laws and following different philosophies. Over half of the 1,920 agencies that administer adult probation services are operated at the state level (26 states), and the rest are administered by combination of state/county and or county or municipal agencies. Texas, for example, has over 100 independent, local district probation agencies that handle adult probation cases.

In general, probation services in the United States are organized into five administrative models:

- *Juvenile.* Over half of all juvenile probation services (2,120 agencies) are administered at the local level or by a combination of local and state agencies, and the rest are administered solely by state agencies (16 states). In all cases, the administration of juvenile probation is separate from adult probation services.
- *Municipal/County.* Probation units are directed by the trial courts following state law and guidelines and are operated and funded by local governments. (This administrative model operates only in California and Washington D.C.).
- *State.* A state-level executive agency administers a central probation and/or a combined probation and parole system that provides services throughout the state. (New Mexico for example, has a state-administered agency that provides both parole and probation services).
- *State combined.* In this model programs are administered locally but funded at the state level. (The state of Pennsylvania for example, provides funds to county probation departments through a grant-in-aid program).
- *Federal.* Probation is administered as an arm of the federal courts.

The organizational structure of probation in California in which the trial courts direct the activities of local probation units is unusual. The only other jurisdiction in which adult probation is the sole responsibility of local government is Washington D.C. California is also the only state that does not serve as the primary funding source for local probation, leaving this responsibility to local county governments. (Federal and state grants have been utilized increasingly by local probation departments but they do not provide a continuous funding stream).

National Trends in Probation Supervision

There are approximately 72,000 probation and parole officers across the United States involved in direct the supervision of adult offenders:

- 29,974 officers supervise probation offenders,
- 31,209 officers supervise a combination of parole and probation offenders, and
- 10,883 officers supervise only parole offenders.¹⁶

According to the American Parole and Probation Association, the adult probation population grew from 2,670,234 in 1990 to 3,932,751 offenders in 2001, an increase of 32.3 percent. Fifty-three percent of all probationers were convicted of a felony, 45 percent of a misdemeanor, and one percent of other infractions. Twenty-five percent were placed on probation for a drug violation, and 18 percent for driving while intoxicated.¹⁷

Four states experienced an increase of ten percent or more in their probation populations in 2001, led by Maine (15 percent), Colorado, Kentucky, and Virginia (12 percent each). California's adult probation population has remained relatively stable over the last ten years (about 300,000 offenders). In contrast, the adult probation population has decreased in 17 states, led by Nevada (14 percent decrease). Idaho has the highest rate of probationers per 100,000 residents (3,747), while New Hampshire has the lowest (9,385).¹⁸

While there is no official tabulation of the number of probation officers who supervise juvenile offenders, the National Center for Juvenile Justice is sometimes able to provide information on the number of probation personnel involved in juvenile supervision. Most states do not consistently collect this information, and those that do, do not distinguish between supervising and administration personnel.¹⁹

Probation departments across the country suffer from declining resources in the face of increasing service demands. They generally receive less than ten percent of state and local government funding for corrections. Contrasted to appropriations for prisons, probation funding has been on the decline for 30 years.²⁰

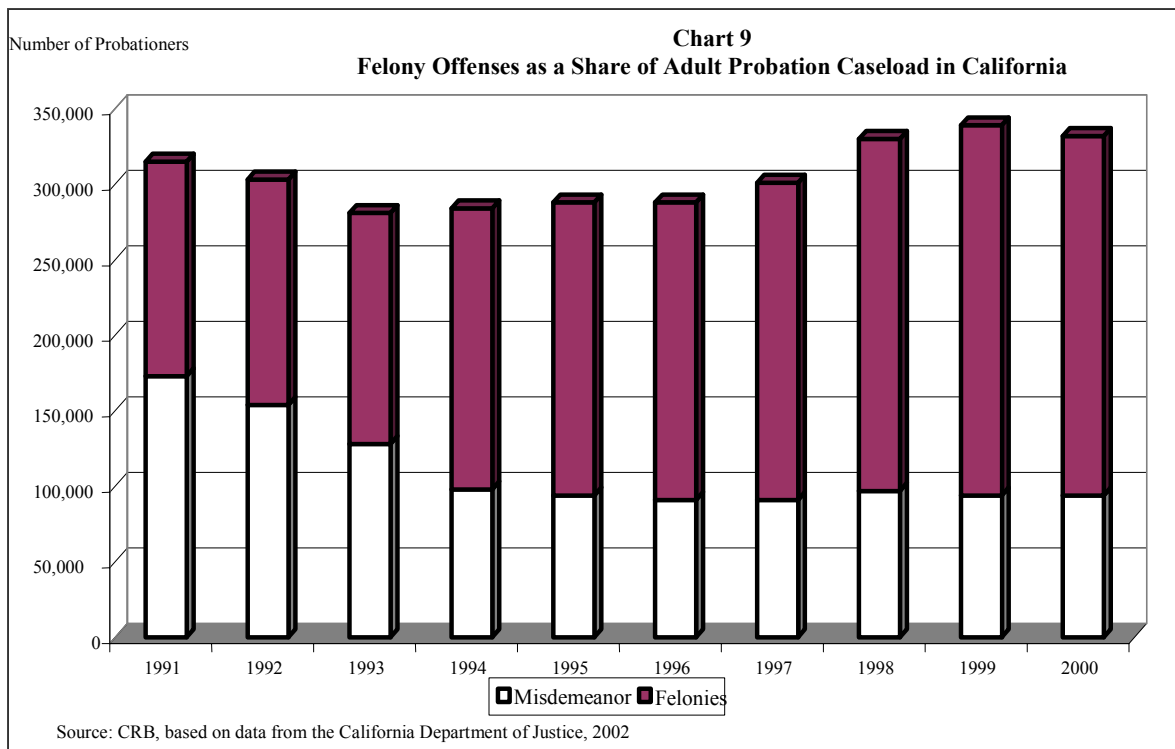
PROBATION IN CALIFORNIA

Probation departments in California counties currently serve an estimated 548,000 adult and juvenile probationers; 38 percent are juveniles and 62 percent are adults. Next to Texas, California's probation population is the largest of any state in the nation.²¹

California experienced a significant change in the probation population during the years 1991 to 2000, with the total adult population increasing by approximately seven percent.²² The number of juveniles on probation also increased during the past decade, from 172,000 in 1990 to 210,000 in 2000.²³

The adult probation population has become much more violent, as measured by felony offenses. More severe sentencing standards are one reason for this increase. The number of adult probationers sentenced for a felony offense nearly doubled from 1990 to 2000, from 130,000 to 245,000 offenders (see Chart 9). During this time period, the number of

adults who were sentenced to probation for misdemeanor offenses decreased by approximately 46 percent.



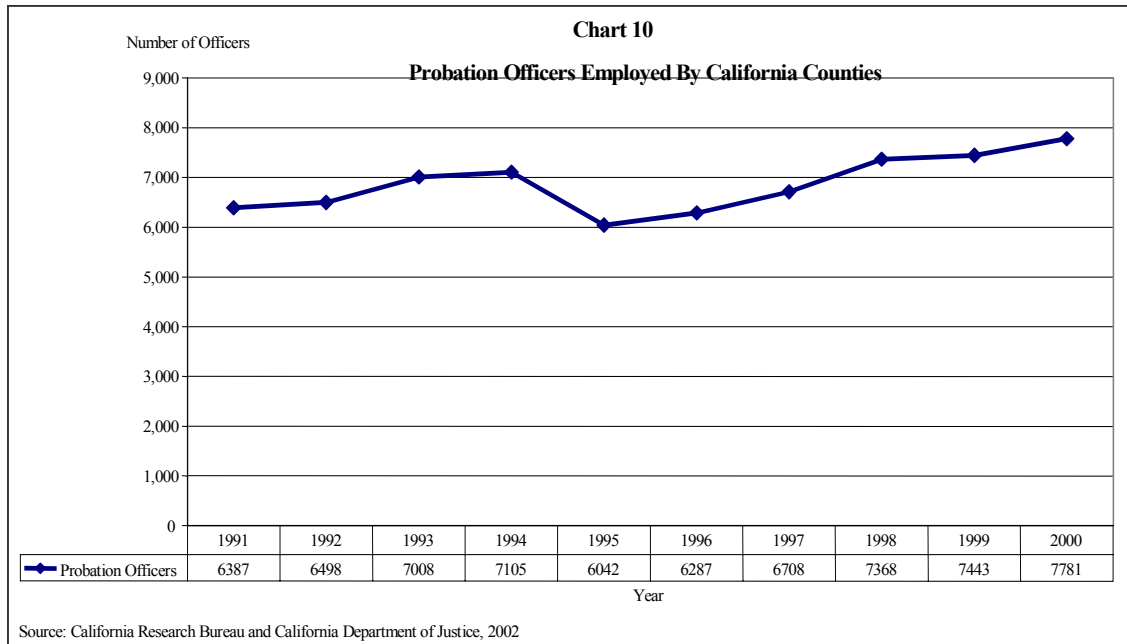
Supervision of Probationers in California

The number of probation officers supervising adult and juvenile offenders in California's 58 counties increased from 6,387 in 1991 to 7,781 in 2000. The number of other local probation department employees (which includes administrative, teaching, counseling, prosecution, and public defense) increased from 7,366 in 1991 to 8,341 in 2000.ⁱⁱⁱ This is the only data on probation personnel collected by the Department of Justice. The data does not distinguish adult probation from juvenile probation. Based on 1996 CRB survey data, there were approximately 2,900 adult probation officers in California. That would make the overall supervision ratio of probation officers to adult offenders approximately 1-to-121.

While the Department of Justice does not collect data by which to determine the ratio of probation officers to juvenile probationers, it is possible to use 1996 CRB survey data to make a reasonable estimate. Based on this data, there were 2,289 juvenile probation officers supervising approximately 200,000 juveniles. That would make the supervision ratio of probation officers to juvenile offenders approximately 1-to-87.

ⁱⁱⁱ Counts of local law enforcement personnel are obtained from a one-day survey taken annually by the Department of Justice on October 31. Prosecution, public defense, and probation department counts are taken on June 30.

The 1996 California Research Bureau survey (49 responding counties) found that approximately 2,898 county-level personnel were involved in the management of adult probation, and 2,289 personnel were involved in the management of juvenile probation (a total of 5,187 probation officers).²⁴ In addition, approximately 1,369 probation officers and other professional staff supervised 40,601 adult alternative sanction probationers, for an overall total of 6,556 probation personnel (see Chart 10). The 1996 figure in Chart 10 below differs slightly from the CRB survey data because it also takes into consideration retirees.



Adult Probation Supervision Approaches

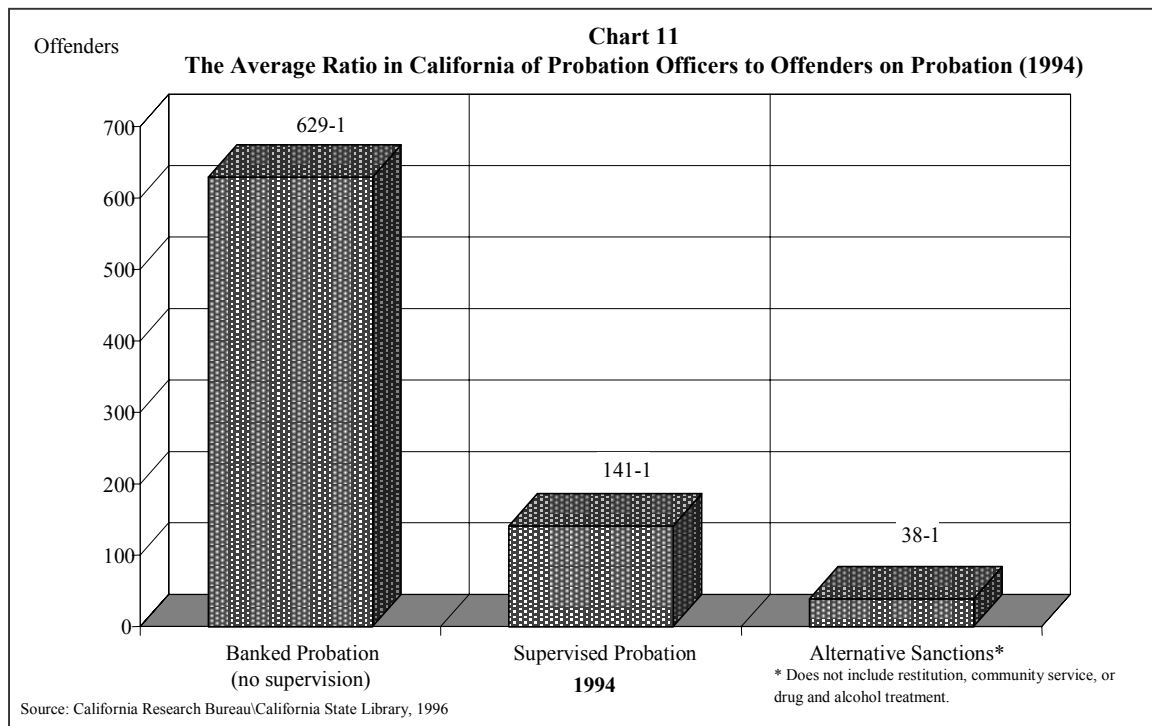
There are three primary approaches to adult probation in California, based on findings from the 1996 CRB survey. A recent study by the California Judicial Council found similar approaches, with alternative sanction programs more heavily utilized for juvenile supervision.²⁵

- *Alternative sanction* programs require high-risk offenders to undergo intensive supervision, including frequent and unannounced contact by probation officers outside a jail environment. Other alternative sanction programs require low-risk offenders to pay restitution to victims and perform community service work.
- *Regular probation* requires offenders to make periodic visits or attend scheduled meetings with probation officers to discuss work activities and living arrangements.

- *Banked probation* places minimal or no requirements on the offender to visit or contact a probation officer.

RATIO OF PROBATION OFFICERS IN CALIFORNIA TO OFFENDERS ON PROBATION

The 1996 California Research Bureau (CRB) study of probation services in California found that the higher the risk a probation offender posed, the more likely he or she would be closely supervised (See Chart 11).²⁶



According to the CRB study, about one half of all local adult probation staff were assigned to supervise less than ten percent of all adult offenders placed on probation. These were the highest risk offenders. Consequently, probation departments were unable to actively supervise all other court-assigned probationers. The practice used by most departments was to “bank” lower risk offenders in caseload files with no (in most cases) supervision.

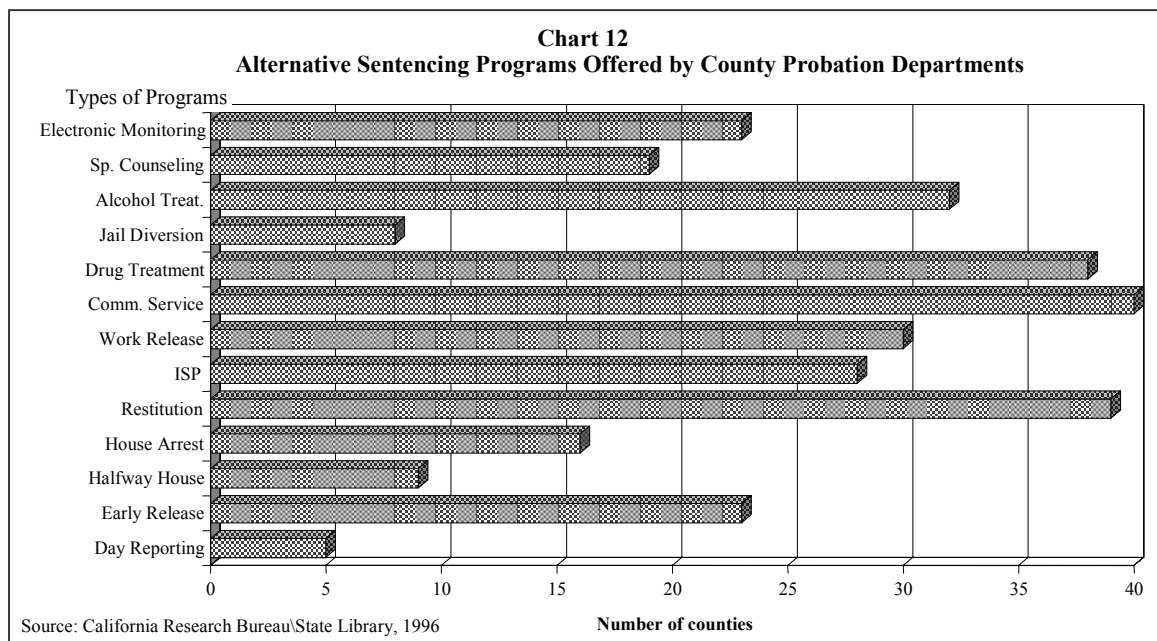
Adult probation line staff and managers believe that workload standards are a better measurement of work activity than caseload ratios. Workload standards distinguish between the number of cases, contacts and other responsibilities required for each case, and job activities that are not related to case management.²⁷ For example, probation officers are also responsible for conducting a variety of investigative reporting including pretrial and pre-sentence reports.

ALTERNATIVE PROBATION SANCTIONS

The primary objective of alternative probation sanction programs is to monitor a probationer's behavior in such a way as to minimize the risk to society that the probationer poses by not being incarcerated. The expectation is that the probationer's behavior will be controlled enough to prevent the probationer from re-offending, due to the increased likelihood that any re-offense would be detected. Table 2 lists alternative sanction programs offered by probation departments in California.

Table 2 Probation Programs Offered By California Counties, 2002	
Rehabilitation Programs	Monitoring Programs
<ul style="list-style-type: none"> • Substance Abuse • Alcohol Abuse • Sex Offender • Anger Management • Batterers • Domestic Violence Services • Inpatient/Outpatient Mental Health 	<ul style="list-style-type: none"> • Intensive Supervision • Electronic Monitoring • Day Reporting • Restitution • Jail Diversion • House Arrest • Halfway Houses • Early Release
Source: <i>Probation Services Task Force Interim Report</i> , Survey Results, California Judicial Council, January 2002	

The 1996 CRB survey of 49 county probation departments found that 40,601 adult probation offenders were sentenced to alternative sanction programs. Many offenders were required to participate in more than one sanction program. Chart 12 shows the relative use of alternative sanction programs in 1996 by county probation departments.

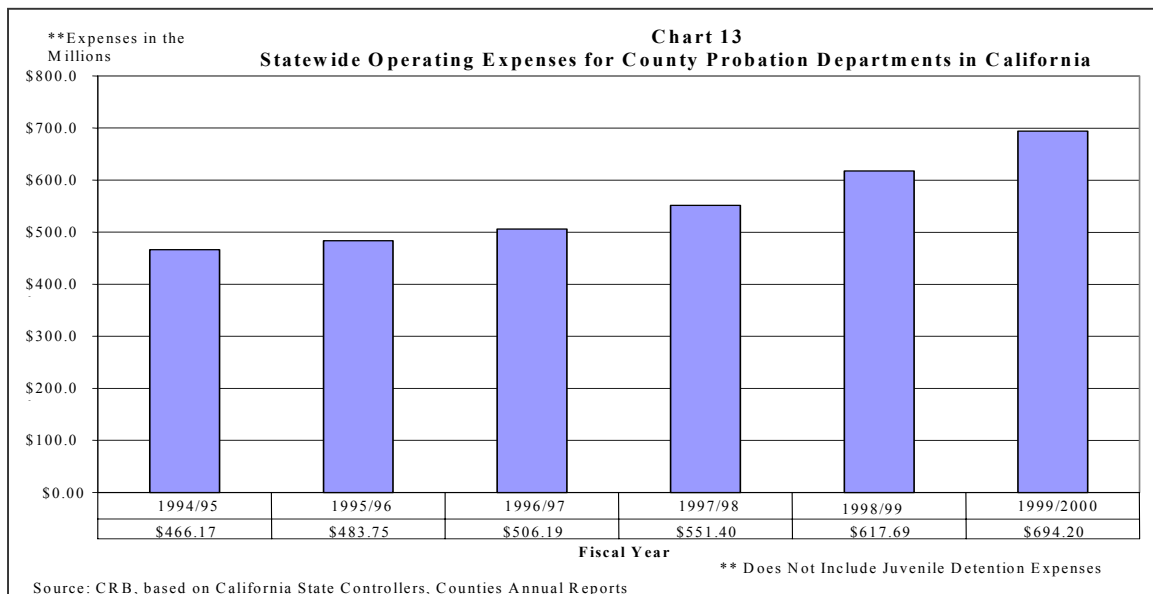


Governance

In 57 of California's 58 counties, a single chief probation officer has oversight and supervisory responsibility for both the adult and juvenile services provided by the probation department. Only San Francisco City and County maintains separate adult and juvenile probation departments, each with its own chief probation officer. In the vast majority of counties, the Supervising Judge appoints the chief probation officer.

Probation departments are locally financed county agencies, and the chief probation officer is a county official who hires staff according to county procedures. There is considerable variation in policies, procedures, and facilities among probation departments in California.²⁸ No single state governmental agency is responsible for collecting probation data, such as regular or specialized offender/caseload ratios or funding/supervision information.

The Board of Corrections (BOC) works in partnership with city and county officials to develop and maintain standards for the construction and operation of local jails and juvenile detention facilities, and for the employment and training of local corrections and probation personnel. The BOC also inspects local adult and juvenile detention facilities; disburses training funds; administers grant programs that respond to facility construction needs, juvenile crime and delinquency, and mentally ill offenders; and conducts special studies relative to the public safety of California's communities. It does not have a specific focus on probation, however, and does not gather or keep probation-related data.



How is Probation Funded in California?

Local criminal justice officials contend that probation departments in California do not have adequate or stable funding sources to support the delivery of vital mandated services. Funding comes mainly from county general funds, a declining funding source. While there has been an increase in the amount of federal and state grant funding available for probation since 1996, the grants are time limited and will eventually expire. Grants have contributed to the substantial increase in county probation expenditures shown in Chart 13.)

According to a recent California Probation Task Force report, a survey of six probation departments found that the percentage of county general fund money in their probation budgets has decreased. Four of the largest probation departments in the state received county general funds of less than 50 percent of their total budget between 1996 and 2001.²⁹ Many probation departments are augmenting county appropriations and grant funding with fees imposed on probationers. These fees often pay for counseling and victim-related services.³⁰ When grant funding expires, probation fees may not make up for the loss of the revenues.

A historical perspective on the declining revenue streams for California probation departments can be traced to the late 1970s, with the passage of Proposition 13. At that time, adult probation resources were reduced to the bare minimum in many counties. Probation departments made dramatic cuts, greatly increasing caseloads. In the late 1990s, with federal and state funding increases, some probation departments created new and innovative services. The new funding sources (mostly one or multi-year grants) are mostly targeted for juvenile services, such as the state Juvenile Crime Enforcement and Accountability Challenge Grant Program (1996) and the state Juvenile Justice Crime Prevention Act (2000).

In 1996, the federal government established the Temporary Assistance to Needy Families (TANF) program, with state block grants totaling \$16.5 billion. In California, \$164 million of this funding was set aside to support probation departments in the provision of 23 approved juvenile services. These include mental health assessment and counseling, life skills counseling, anger management, violence prevention, conflict resolution, aftercare services, and therapeutic day treatment.^{IV} As a result, juvenile prevention and early intervention programs have become core services for many county probation departments. While local probation departments believe that the increased funding of juvenile supervision and rehabilitation programs has been beneficial, the shift in emphasis has meant that the limited and remaining staff and resources are insufficient to manage and supervise the adult probation population.

^{IV} Welfare and Institution Code Section 18220-18222.

LOCAL AND STATE OFFENDER SUPERVISION/COLLABORATION IN CALIFORNIA

Most California law enforcement agencies, including representatives of county probation departments and the Department of Corrections, Parole and Community Services Division, participate in the *Law Enforcement Consortium*, which meets quarterly to identify problems of mutual concern and develop possible solutions. It is not a formal or mandated collaboration, but rather an informal policy roundtable.

There are other programs in which law enforcement, probation and parole collaborate at the local level. Examples include:

- “Operation Revitalization” in Vallejo, which involves six local agencies (including probation officers), with the goal of suppressing street crime and supporting community-oriented policing in targeted neighborhoods. It operates school-based intervention programs (directed at drug and alcohol abuse, gangs, and truancy), intervention and treatment services for youth in after-school care, and community-based service referrals.
- The Fugitive Recovery Enforcement Team (FRET), a partnership between the San Francisco Police Department and the California Department of Corrections, Parole and Community Service Division, apprehends local parolees and probationers who have outstanding warrants.
- The California Department of Justice’s “Violence Suppression Program” is a local and state collaborative staffed by 38 special agents who have broad jurisdictional authority to pursue criminals across county boundaries. Teams of sheriffs, police, probation, and state parole officers monitor the movement and activity of high-risk probation and parole offenders. These county teams also assist state Department of Justice agents in apprehending violent criminals with outstanding arrest warrants.

Funding for these collaborative efforts comes primarily from federal formula grants (mostly the Edward Byrne Memorial Fund) and state grants. All counties receive a formula portion of federal Edward Byrne Memorial Funds to support local violence suppression teams. These special teams are usually involved in monitoring probation sanctions such as intensive supervision, electronic monitoring, and specialized counseling programs.

APPENDIX A

A BREAKDOWN BY COUNTY OF THE NUMBER OF PAROLEES IN CALIFORNIA 2001

TABLE 3
TOTAL FELONS PAROLED AND RE-PAROLED FROM AN INSTITUTION
BY REGION OF PAROLE
CALENDAR YEAR 2001

	TOTAL		TYPE OF PAROLE			
	NUMBER	PERCENT	FIRST PAROLE		REPAROLE	
			NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	126,273	100.0	55,671	100.0	70,602	100.0
REGION OF PAROLE						
REGION I	28,460	22.5	11,665	21.0	16,795	23.8
REGION II	27,285	21.6	9,892	17.8	17,393	24.6
REGION III	35,812	28.4	18,523	33.3	17,289	24.5
REGION IV	34,716	27.5	15,591	28.0	19,125	27.1
Department of Corrections, Data Analysis Unit Estimates and Statistical Analysis Section Offender Information Services Branch May 2002						

TABLE 4
TOTAL FELONS PAROLED AND RE-PAROLED FROM AN INSTITUTION
BY COUNTY OF PAROLE
CALENDAR YEAR 2001

	TOTAL		TYPE OF PAROLE			
	NUMBER	PERCENT	FIRST PAROLE		REPAROLE	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	126,273	100.0	55,671	100.0	70,602	100.0
COUNTY OF PAROLE						
ALAMEDA	6,407	5.1	1,873	3.4	4,534	6.4
ALPINE	13	0.0	3	0.0	10	0.0
AMADOR	32	0.0	18	0.0	14	0.0
BUTTE	897	0.7	348	0.6	549	0.8
CALAVERAS	23	0.0	10	0.0	13	0.0
COLUSA	51	0.0	27	0.0	24	0.0
CONTRA COSTA	2,084	1.7	786	1.4	1,298	1.8
DEL NORTE	86	0.1	49	0.1	37	0.1
EL DORADO	253	0.2	124	0.2	129	0.2
FRESNO	3,930	3.1	1,580	2.8	2,350	3.3
GLENN	89	0.1	40	0.1	49	0.1
HUMBOLDT	468	0.4	179	0.3	289	0.4
IMPERIAL	369	0.3	163	0.3	206	0.3
INTERSTATE PAROLE UNIT (ISPU)	259	0.2	234	0.4	25	0.0
INYO	39	0.0	21	0.0	18	0.0
KERN	4,729	3.7	2,050	3.7	2,679	3.8
KINGS	776	0.6	332	0.6	444	0.6
LAKE	219	0.2	123	0.2	96	0.1
LASSEN	126	0.1	66	0.1	60	0.1
LOS ANGELES	35,908	28.4	18,571	33.4	17,337	24.6
MADERA	678	0.5	261	0.5	417	0.6
MARIN	156	0.1	57	0.1	99	0.1
MARIPOSA	43	0.0	21	0.0	22	0.0
MENDOCINO	260	0.2	101	0.2	159	0.2
MERCED	861	0.7	369	0.7	492	0.7
MODOC	19	0.0	8	0.0	11	0.0
MONO	8	0.0	6	0.0	2	0.0
MONTEREY	1,375	1.1	528	0.9	847	1.2
NAPA	130	0.1	68	0.1	62	0.1
NEVADA	126	0.1	47	0.1	79	0.1
ORANGE	7,604	6.0	3,287	5.9	4,317	6.1
PLACER	477	0.4	223	0.4	254	0.4
PLUMAS	28	0.0	13	0.0	15	0.0
RIVERSIDE	7,196	5.7	3,363	6.0	3,833	5.4
SACRAMENTO	5,916	4.7	2,112	3.8	3,804	5.4
SAN BENITO	68	0.1	45	0.1	23	0.0

TABLE 4 CONTINUED
TOTAL FELONS PAROLED AND RE-PAROLED FROM AN INSTITUTION
BY COUNTY OF PAROLE
CALENDAR YEAR 2001

	TOTAL		TYPE OF PAROLE			
	NUMBER	PERCENT	FIRST PAROLE		REPAROLE	
COUNTY OF PAROLE			NUMBER	PERCENT	NUMBER	PERCENT
SAN BERNARDINO	10,210	8.1	4,552	8.2	5,658	8.0
SAN DIEGO	9,238	7.3	4,176	7.5	5,062	7.2
SAN FRANCISCO	3,115	2.5	578	1.0	2,537	3.6
SAN JOAQUIN	2,490	2.0	1,035	1.9	1,455	2.1
SAN LUIS OBISPO	683	0.5	280	0.5	403	0.6
SAN MATEO	1,438	1.1	591	1.1	847	1.2
SANTA BARBARA	1,093	0.9	494	0.9	599	0.8
SANTA CLARA	4,692	3.7	2,216	4.0	2,476	3.5
SANTA CRUZ	482	0.4	218	0.4	264	0.4
SHASTA	930	0.7	397	0.7	533	0.8
SIERRA	6	0.0	2	0.0	4	0.0
SISKIYOU	165	0.1	80	0.1	85	0.1
SOLANO	1,793	1.4	639	1.1	1,154	1.6
SONOMA	1,159	0.9	355	0.6	804	1.1
STANISLAUS	1,633	1.3	712	1.3	921	1.3
SUTTER	385	0.3	170	0.3	215	0.3
TEHAMA	311	0.2	153	0.3	158	0.2
TRINITY	34	0.0	17	0.0	17	0.0
TULARE	1,726	1.4	646	1.2	1,080	1.5
TUOLUMNE	111	0.1	51	0.1	60	0.1
VENTURA	1,563	1.2	702	1.3	861	1.2
YOLO	741	0.6	318	0.6	423	0.6
YUBA	572	0.5	183	0.3	389	0.6
Department of Corrections, Data Analysis Unit, Estimates and Statistical Analysis Section Offender Information Services Branch, May 2002						

TABLE 5
TOTAL FEMALE FELONS PAROLED AND RE-PAROLED FROM AN INSTITUTION
BY COUNTY OF PAROLE
CALENDAR YEAR 2001

	TOTAL		TYPE OF PAROLE			
	NUMBER	PERCENT	FIRST PAROLE		REPAROLE	
			NUMBER	PERCENT	NUMBER	PERCENT
TOTAL	12,404	100.0	6,085	100.0	6,319	100.0
COUNTY OF PAROLE						
ALAMEDA	442	3.6	154	2.5	288	4.6
AMADOR	5	0.0	5	0.1	0	0
BUTTE	82	0.7	42	0.7	40	0.6
CALAVERAS	2	0.0	2	0.0	0	0
COLUSA	3	0.0	3	0.0	0	0
CONTRA COSTA	140	1.1	67	1.1	73	1.2
DEL NORTE	9	0.1	3	0.0	6	0.1
EL DORADO	14	0.1	9	0.1	5	0.1
FRESNO	417	3.4	148	2.4	269	4.3
GLENN	7	0.1	7	0.1	0	0
HUMBOLDT	28	0.2	13	0.2	15	0.2
IMPERIAL	26	0.2	14	0.2	12	0.2
INTERSTATE PAROLE UNIT (ISPU)	23	0.2	22	0.4	1	0.0
INYO	6	0.0	4	0.1	2	0.0
KERN	601	4.8	278	4.6	323	5.1
KINGS	102	0.8	39	0.6	63	1.0
LAKE	32	0.3	18	0.3	14	0.2
LASSEN	12	0.1	8	0.1	4	0.1
LOS ANGELES	3,583	28.9	2,080	34.2	1,503	23.8
MADERA	88	0.7	34	0.6	54	0.9
MARIN	16	0.1	2	0.0	14	0.2
MENDOCINO	19	0.2	7	0.1	12	0.2
MERCED	69	0.6	27	0.4	42	0.7
MODOC	1	0.0	1	0.0	0	0
MONO	1	0.0	1	0.0	0	0
MONTEREY	168	1.4	59	1.0	109	1.7
NAPA	17	0.1	9	0.1	8	0.1
NEVADA	8	0.1	7	0.1	1	0.0
ORANGE	815	6.6	381	6.3	434	6.9
PLACER	41	0.3	25	0.4	16	0.3
PLUMAS	4	0.0	3	0.0	1	0.0
RIVERSIDE	715	5.8	376	6.2	339	5.4
SACRAMENTO	562	4.5	236	3.9	326	5.2
SAN BENITO	13	0.1	6	0.1	7	0.1
SAN BERNARDINO	1,027	8.3	529	8.7	498	7.9
SAN DIEGO	1,040	8.4	510	8.4	530	8.4

TABLE 5 CONTINUED

TOTAL FELONS PAROLED AND RE-PAROLED FROM AN INSTITUTION
 BY COUNTY OF PAROLE
 CALENDAR YEAR 2001

COUNTY OF PAROLE	TOTAL		TYPE OF PAROLE			
	NUMBER	PERCENT	FIRST PAROLE		REPAROLE	
			NUMBER	PERCENT	NUMBER	PERCENT
SAN FRANCISCO	273	2.2	39	0.6	234	3.7
SAN JOAQUIN	268	2.2	96	1.6	172	2.7
SAN LUIS OBISPO	44	0.4	23	0.4	21	0.3
SAN MATEO	113	0.9	50	0.8	63	1.0
SANTA BARBARA	105	0.8	64	1.1	41	0.6
SANTA CLARA	352	2.8	192	3.2	160	2.5
SANTA CRUZ	26	0.2	12	0.2	14	0.2
SHASTA	112	0.9	54	0.9	58	0.9
SISKIYOU	14	0.1	7	0.1	7	0.1
SOLANO	152	1.2	69	1.1	83	1.3
SONOMA	85	0.7	34	0.6	51	0.8
STANISLAUS	160	1.3	88	1.4	72	1.1
SUTTER	41	0.3	16	0.3	25	0.4
TEHAMA	28	0.2	12	0.2	16	0.3
TRINITY	4	0.0	3	0.0	1	0.0
TULARE	167	1.3	70	1.2	97	1.5
TUOLUMNE	10	0.1	6	0.1	4	0.1
VENTURA	170	1.4	81	1.3	89	1.4
YOLO	79	0.6	25	0.4	54	0.9
YUBA	63	0.5	15	0.2	48	0.8
Department of Corrections, Data Analysis Unit, Estimates and Statistical Analysis Section Offender Information Services Branch, May 2002						

ENDNOTES

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- ¹Timothy Hughes, Doris James-Wilson, Allen J. Beck, "Trends in State Parole, The More Things Change, the More They Stay the Same" *Perspectives* (Journal of the American Probation and Parole Association), 26, No. 3 (Summer 2002).
- ²Lauren E. Glaze, *Probation and Parole in the United States, 2001* (Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics, August 2002).
- ³David B. Rottman and others, *State Court Organization 1998* (Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics, June 2000). A joint effort of the Conference of State Court Administrators and National Center for State Courts.
- ⁴Lauren E. Glaze, *Probation and Parole in the United States, 2001* (Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics, August 2002).
- ⁵Joan Petersilia, "Intensive Probation and Parole," In Micheal Tonry (Ed.), *Crime and Justice: A Review of Research*, Vol. 17. (Chicago: University of Chicago Press) 1993.
- ⁶Jeremy Travis, Public Testimony on Parole Reform, Before the *California Little Hoover Commission* (Sacramento: the Commission, February 27, 2003).
- ⁷*Ibid*, page 3.
- ⁸Comments by Sharon Jackson, Deputy Director, Parole and Community Services Division, California Department of Corrections, made to Marcus Nieto, at a Legislative staff briefing January 10, 2003.
- ⁹California Department of Corrections Facts and Figures, First Quarter 2003, <http://www.cdcs.state.ca.us/>
- ¹⁰Statements by Sharon Rocco, Senior Parole Agent, at the *Little Hoover Commission*, Parole Reform Study Advisory Committee, Sacramento, California, January 7, 2003.
- ¹¹Shawn Bushway and Peter Reuter, "Labor Markets and Crime," in James Q. Wilson and Joan Petersilia (editors) *Crime: Public Policies for Crime Control*, Oakland: CA, Institute for Contemporary Studies Press, 2002.
- ¹²Nell Bernstein, Journalist, Interviews with women at the Family Foundations Program who were admitted into the California Department of Corrections, Mother/Infant Program, 2003.
- ¹³*Proposition 36 Briefing Book*, Presented by the California Department of Corrections Parole and Community Services Division before the Senate Proposition 36 Workgroup, February 22, 2001.
- ¹⁴Telephone interview with Michael Brady, Special Assistant to the California Senate President Pro Tem, Proposition 36 Workgroup, January 24, 2003.
- ¹⁵Sandra Tunis, James Austin, and others, "Evaluation of Drug Treatment in Local Corrections," National Institute of Justice, *Research Preview*, page 4 (Washington D.C.: U.S. Department of Justice, National Institute of Justice, June 1997).
- ¹⁶Camille G. Camp and George M. Camp, *The Corrections Yearbook 2001*, Criminal Justice Institute, Inc., Lexington, KY, 2002.
- ¹⁷Lauren E. Glaze, *Probation and Parole in the United States, 2001* (Washington D.C.: U.S. Department of Justice, Bureau of Justice Statistics, August 2002).
- ¹⁸*Ibid*, page 3.
- ¹⁹Discussion with Karen Fuller, Staff Director, American Probation and Parole Association, regarding probation personnel supervising juvenile probationers, December 16, 2002.
- ²⁰American Probation and Parole Association, *A White Paper: Prepared for the Probation Services Task Force*, California Administrative Office of the Courts, September 2000.
- ²¹Camille G. Camp and George M. Camp, *The Corrections Yearbook 2001*, Criminal Justice Institute, Inc., Lexington, KY 2002.
- ²²California Department of Justice, Office of the Attorney General, Criminal Justice Statistics Center, *Table 7*, 2002. <http://www.jusitce.hdcdojnet.statre.ca.us/jscstats/prof01/00/7.html>.
- ²³James Worrall and others, *Does Probation Work? An Analysis of the Relationship Between Caseloads and Crime Rates in California Counties* (Sacramento: The California Institute for County Government, 2001).
- ²⁴Marcus Nieto, *The Changing Role of Probation in California's Criminal Justice System* (Sacramento: California Research Bureau, California State Library, July 1996).
- ²⁵Judicial Council of California, Administrative Office of the Courts, *Probation Service Task Force Interim Report*, (San Francisco: the Council, January 2002).

²⁶ Marcus Nieto, *The Changing Role of Probation in California's Criminal Justice System* (Sacramento: California Research Bureau, California State Library, July 1996).

²⁷ Judicial Council of California, Administrative Office of the Courts, *Probation Service Task Force Interim Draft Report*, page 72 (San Francisco: the Council, January 2002).

²⁸ Ibid,

²⁹ Judicial Council of California, Administrative Office of the Courts, *Probation Service Task Force Interim Draft Report*, page 42 (San Francisco: the Council, January 2002).

³⁰ Ibid, page 41.